

Senate Bill No. 1186

Passed the Senate August 11, 2008

Secretary of the Senate

Passed the Assembly August 7, 2008

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2008, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 44225.7, 44252, 44252.5, 44380, 44385, 44560, 44561, 44830, and 44831 of the Education Code, relating to teachers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1186, Scott. Teachers.

(1) Existing law requires the governing board of a school district to employ for positions requiring certification qualifications only persons who possess the qualifications for those positions. Existing law authorizes the Commission on Teacher Credentialing to waive provisions governing the preparation or licensing of educators in certain situations. If a suitable fully prepared teacher is not available to the school district, the district is required to make reasonable efforts to recruit first a credential candidate who is scheduled to complete initial preparation requirements within 6 months and then a candidate who is qualified to participate in an approved internship program in the region of the school district.

This bill would instead require a school district that seeks a waiver of provisions governing the preparation or licensing of educators to recruit first a candidate who is qualified to participate and enrolls in an approved internship program in the region of the school district and then a candidate who is scheduled to complete preliminary credential requirements within 6 months. The commission would be required to assure that the employer will provide orientation, guidance, and assistance to the candidate.

(2) Existing law requires the Commission on Teacher Credentialing to establish standards and procedures for the initial issuance and renewal of teaching credentials. The commission is prohibited from initially issuing a credential, permit, certificate, or renewal of an emergency credential to a person to serve in the public schools unless the person demonstrates proficiency in basic reading, writing, and mathematics skills in the English language by passing the state basic skills proficiency test, unless the applicant is exempted. The Superintendent of Public Instruction is required, by July 31, 2007, to establish passing scores for the Graduate Record Examinations, the Scholastic Aptitude Test

Reasoning Test, and the ACT Plus Writing test that would be substituted for a passing score on the state basic skills proficiency test. A school district is authorized to hire a certificated teacher who has not taken the state basic skills proficiency test if the person has not been afforded an opportunity to take the test.

This bill would exempt from the state basic skills proficiency test an applicant for an eminence credential and an applicant who achieves scores on the writing, reading, and mathematics sections of the College Board SAT Reasoning Test, the enhanced ACT English and mathematics tests, or the California State University Early Assessment Program that are sufficient to waive the English placement test and the entry level mathematics examination administered by the California State University. The bill would delete the requirement that the Superintendent establish passing scores on the specified tests that would be substituted for a passing score on the state basic skills proficiency test. The bill would extend the authority to hire a certificated teacher who has not been afforded an opportunity to take the state basic skills proficiency test to county offices of education and would apply this exemption to certificated personnel rather than certificated teachers.

The bill would make technical changes and delete obsolete provisions regarding the state basic skills proficiency test and holders of specified designated subjects credentials.

(3) Existing law establishes a grant program for qualifying school districts, county offices of education, colleges, and universities that operate alternative certification programs designed to lead to a permanent credential. Alternative certification programs are required to address geographic and subject matter shortage areas and be targeted toward people with work experience and others who already have a bachelor's degree in the field in which they plan to teach. Criteria for selecting grant applicants is required to be limited to specified factors, including geographic distribution and the number of participants to be served. A legislative finding regarding the need for the program states that there is a serious shortage of qualified teachers in the subjects of mathematics, science, and technology, of teachers who work with limited-English-proficient pupils, and of minority teachers.

This bill would delete teachers of technology from the legislative finding that there is a serious shortage of qualified teachers and would add special education teachers to that legislative finding.

Geographic distribution would be deleted from the criteria for selecting grantees. The criteria for selecting grantees would be required to include the number of credentialed teachers with at least a preliminary or level 1 credential at each schoolsite where interns will be assigned and the capacity of the grantee to provide mentoring support and assistance to interns.

(4) Existing law establishes the Certificated Staff Mentoring Program for the purpose of encouraging experienced teachers to teach in staff priority schools and to assist teacher interns during their induction and first years of teaching. In order to be eligible for program funding, a school district is required to agree, among other things, to provide an annual salary stipend to each mentor teacher who agrees to teach in certain priority schools.

This bill would include in the purpose of the program encouraging experienced teachers to assist beginning teachers and require a school district, in addition to existing funding requirements, to assure that each experienced teacher receiving a stipend as a certificated staff mentor is providing mentoring and support services first to candidates participating in alternative certification programs and then to beginning teachers participating in a Beginning Teacher Support and Assessment (BTSA) program. A school district would be authorized to assign teachers who serve as support providers in alternative certification or BTSA programs as certificated staff mentors.

The people of the State of California do enact as follows:

SECTION 1. Section 44225.7 of the Education Code is amended to read:

44225.7. (a) The commission may approve a school district request for the assignment of an individual pursuant to subdivision (m) of Section 44225 or Section 44300 if the district has certified by an annual resolution of the governing board that it has made reasonable efforts to recruit a fully prepared teacher for the assignment. If a suitable fully prepared teacher is not available to a school district, the district under all circumstances shall make reasonable efforts to recruit an individual for the assignment, in the following order:

(1) A candidate who is qualified to participate and enrolls in an approved internship program in the region of the school district.

(2) A candidate who is scheduled to complete preliminary credential requirements within six months. The commission shall assure that the employer will provide orientation, guidance, and assistance to the candidate.

(b) If a suitable individual who meets the priorities listed in subdivision (a) is not available to the school district, the district, as a last resort, may request approval for the assignment of a person who does not meet that criteria.

(c) As the supply of teaching interns increases as a result of legislative efforts to expand the Alternative Certification Program, the commission shall notify school districts that state policy directs the assignment of interns to classrooms when available in a given region, with decreased reliance on persons serving on emergency permits or credential waivers.

(d) As the supply of fully prepared teachers increases as a result of the Legislature's efforts to recruit and retain qualified teachers for California classrooms, the commission shall notify school districts that state policy directs the assignment of fully prepared teachers to California classrooms, with the use of permits or waivers only when school districts are geographically isolated from teacher preparation programs or in the case of unanticipated, short-term need for the assignment of personnel.

(e) As used in this section, a "fully prepared teacher" means an individual who has completed a teacher preparation program. For purposes of this subdivision, a "teacher preparation program" means either a set of courses, including supervised field experience, or an equivalent alternative program, that provides a curriculum of systematic preparation for serving as an educator in California public schools.

SEC. 2. Section 44252 of the Education Code is amended to read:

44252. (a) The commission shall establish standards and procedures for the initial issuance and renewal of credentials.

(b) The commission shall not issue initially a credential, permit, certificate, or renewal of an emergency credential to a person to serve in the public schools unless the person has demonstrated proficiency in basic reading, writing, and mathematics skills in the English language as provided in Section 44252.5 or Section 44252.7. The commission shall exempt the following persons from the basic skills proficiency test requirement:

(1) A person credentialed solely for the purpose of teaching adults in an apprenticeship program.

(2) An applicant for an adult education designated subject credential for other than an academic subject.

(3) A person credentialed in another state who is an applicant for employment in a school district in this state who has passed a basic skills proficiency examination administered by the state where the person is credentialed.

(4) A person credentialed in another state who is an applicant for employment in a school district in this state who has passed a basic skills proficiency examination that has been developed and administered by the school district offering that person employment, by cooperating school districts, or by the appropriate county office of education. School districts administering a basic skills proficiency examination under this paragraph shall comply with the requirements of subdivision (h) of Section 44830. The applicant shall be granted a nonrenewable credential, valid for not longer than one year, pending fulfillment of the basic skills proficiency requirement pursuant to Section 44252.5.

(5) An applicant for a child care center permit or a permit authorizing service in a development center for the handicapped, so long as the holder of the permit is not required to have a baccalaureate degree.

(6) The holder of a credential, permit, or certificate to teach, other than an emergency permit, who seeks an additional authorization to teach.

(7) An applicant for a credential to provide service in the health profession.

(8) An applicant who achieves scores on the writing, reading, and mathematics sections of the College Board SAT Reasoning Test, the enhanced ACT Test, or the California State University Early Assessment Program that are sufficient to waive the English placement test and the entry level mathematics examination administered by the California State University.

(9) An applicant for an eminence credential to be issued pursuant to Section 44262.

(c) The Superintendent shall adopt an appropriate state test to measure proficiency in these basic skills. In adopting the test, the Superintendent shall seek assistance from the commission and an advisory board. A majority of the members of the advisory board

shall be classroom teachers. The board also shall include representatives of school boards, school administrators, parents, and postsecondary educational institutions.

The Superintendent shall adopt a normed test that the Superintendent determines will sufficiently test basic skills for purposes of this section.

The Superintendent, in conjunction with the commission and approved teacher training institutions, shall take steps necessary to ensure the effective implementation of this section.

(d) This section does not require the holders of, or applicants for, a designated subjects special subjects credential to pass the state basic skills proficiency test unless the requirements for the specific credential required the possession of a baccalaureate degree. The governing board of each school district, or each governing board of a consortium of school districts, or each governing board involved in a joint powers agreement, which employs a holder of a designated subjects special subjects credential shall establish its own basic skills proficiency criteria for the holders of these credentials and shall arrange for those individuals to be assessed. The basic skills proficiency criteria established by the governing board shall be at least equivalent to the test required by the district, or in the case of a consortium or a joint powers agreement, by any of the participating districts, for graduation from high school. The governing board or boards may charge a fee to individuals being tested to cover the costs of the test, including the costs of developing, administering, and grading the test.

(e) The commission shall compile data regarding the rate of passing the state basic skills proficiency test by persons who have been trained in various institutions of higher education. The data shall be available to members of the public, including to persons who intend to enroll in teacher education programs.

(f) Each applicant to an approved credential program, unless exempted by subdivision (b), shall take the state basic skills proficiency test in order to provide both the prospective applicant and the program with information regarding the proficiency level of the applicant. Test results shall be forwarded to each California postsecondary educational institution to which the applicant has applied. The program shall use test results to ensure that, upon admission, each applicant receives appropriate academic assistance

necessary to pass the state basic skills proficiency test. Persons residing outside the state shall take the test no later than the second available administration following their enrollment in a credential program.

It is the intent of the Legislature that applicants for admission to teacher preparation programs not be denied admission on the basis of state basic skills proficiency test results.

SEC. 3. Section 44252.5 of the Education Code is amended to read:

44252.5. (a) The commission shall administer the state basic skills proficiency test pursuant to Sections 44227, 44252, and 44830 in accordance with rules and regulations adopted by the commission. A fee shall be charged to individuals being tested to cover the costs of the test, including the costs of developing, administering, and grading the test. The amount of the fee shall be established by the commission to recover the cost of examination administration and development pursuant to Section 44235.3.

(b) The commission may enter into agreements with other states permitting the use of the state basic skills proficiency test as a requirement for the issuance of credentials or for teacher preparation program admission in those other states, provided that the use would advance the interests of the State of California and that the other states reimburse the Teacher Credentials Fund for a proportionate share of costs of the development and administration of the test.

(c) An individual who passes the state basic skills proficiency test, as adopted by the Superintendent, shall be considered proficient in the skills of reading, writing, and mathematics, and shall not be required to be retested by this test for purposes of meeting the proficiency requirements of Sections 44227, 44252, and 44830.

(d) An individual who passes one or more components of the state basic skills proficiency test in the subjects of basic reading, writing, or mathematics shall be deemed to have demonstrated his or her proficiency in these subject areas and shall not be required to be retested in these subjects during subsequent test administrations.

SEC. 4. Section 44380 of the Education Code is amended to read:

44380. (a) The Legislature finds and declares that the teaching profession must be able to recruit talented individuals, in addition to college students, from a variety of sources to address geographic and subject area shortages. Many persons changing careers and early retirees from industry and the military are interested in the challenge of teaching.

(b) The Legislature further finds that, in California, there is a serious shortage of qualified teachers in the subjects of mathematics and science, teachers who work with limited-English-proficient pupils, minority teachers, and special education teachers.

(c) Therefore, in enacting this article, the Legislature intends to encourage public school districts, county offices of education, and colleges and universities to design concentrated programs leading to a permanent credential for people with work experience and others who already have a bachelor's degree.

SEC. 5. Section 44385 of the Education Code is amended to read:

44385. The commission, with the assistance of representatives of classroom teachers, school administrators, parents, university and college educators, and others, as appropriate, shall establish criteria for selecting grant applicants to be funded. The criteria shall include the following:

(a) The demonstrated need for more fully prepared credentialed teachers, as defined in Section 44225.7, within each school district included in the application.

(b) The number of participants to be served and the number of credentialed teachers, with at least a preliminary or level 1 credential, at each schoolsite where interns will be assigned, including teachers serving as certificated staff mentors pursuant to Section 44560.

(c) The capacity of the school districts included in the application to provide mentoring support and assistance to intern teachers.

(d) The quality of the instruction, support, and assessment that will be available to interns, as evidenced by the response of the applicant to the commission's standards of quality and effectiveness for preparation programs.

(e) The cost-effectiveness of the program.

SEC. 6. Section 44560 of the Education Code is amended to read:

44560. (a) The Certificated Staff Mentoring Program is hereby established for the purpose of encouraging excellent, experienced teachers to teach in staff priority schools and to assist teacher interns and beginning teachers during their induction and first years of teaching.

(b) The Superintendent shall apportion funds appropriated for purposes of this program to participating school districts and shall determine the amount to be allocated, based on the number of experienced teachers eligible to receive stipends. The total amount allocated under this article shall not exceed the total amount appropriated for the purposes of this article in the annual Budget Act.

SEC. 7. Section 44561 of the Education Code is amended to read:

44561. (a) A school district that maintains classes in kindergarten or any of grades 1 to 12, inclusive, may apply for reimbursement under this article if it meets the conditions of subdivision (b).

(b) To be eligible for funding under this article, a school district must agree to do all of the following:

(1) Provide an annual salary stipend to each experienced mentor teacher that agrees to teach in a staff priority school, as defined in subdivision (d), and meets the criteria and performs services in accordance with Section 44562.

(2) Assure that each experienced teacher receiving a stipend as a certificated staff mentor is providing mentoring and support services first to candidates participating in alternative certification programs pursuant to Article 11 (commencing with Section 44380) of Chapter 2 and then to beginning teachers participating in a Beginning Teacher Support and Assessment program pursuant to Article 4.5 (commencing with Section 44279.1) of Chapter 2. A school district may assign teachers who serve as support providers in programs established pursuant to Article 11 (commencing with Section 44380) of Chapter 2 or Article 4.5 (commencing with Section 44279.1) of Chapter 2 as certificated staff mentors.

(3) Assure that the experienced teacher has received training to serve as a mentor or has served previously in a mentor capacity in programs for new teachers, including, but not limited to, induction and university or district intern programs.

(4) Assure that the experienced teacher will have adequate time and material resources to provide assistance to beginning teachers as specified in subdivision (a) of Section 44562.

(c) The annual allocation to a school district under this article shall be a reimbursement to the district for the cost of stipends actually provided to experienced mentor teachers that meet the criteria and perform services in accordance with Section 44562. In addition, a school district receiving reimbursement of stipend costs shall be entitled to an amount equal to 5 percent of the total stipend reimbursement for administrative costs.

(d) For purposes of this article, “staff priority school” means a school that meets either of the following conditions:

(1) A school that has an aggregate Academic Performance Index, established pursuant to Section 52052, score that was at or below the 30th percentile relative to other public schools in the state in any of the five previous school years.

(2) A juvenile court school, county community school, or community day school operated by a county office of education.

SEC. 8. Section 44830 of the Education Code is amended to read:

44830. (a) The governing board of a school district shall employ for positions requiring certification qualifications, only persons who possess the qualifications for those positions prescribed by law. It is contrary to the public policy of this state for a person or persons charged, by the governing boards, with the responsibility of recommending persons for employment by the boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of the applicants for that employment.

(b) The governing board of a school district shall not initially hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in his or her credential unless that person has demonstrated basic skills proficiency as provided in Section 44252.5 or is exempted from the requirement by subdivision (c), (d), (e), (f), (g), (h), (i), (j), or (k).

(1) The governing board of a school district, with the authorization of the Commission on Teacher Credentialing, may administer the state basic skills proficiency test required under Sections 44252 and 44252.5.

(2) The Superintendent, in conjunction with the commission and local governing boards, shall take steps necessary to ensure the effective implementation of this subdivision.

It is the intent of the Legislature that in effectively implementing this subdivision, the governing boards of school districts shall direct superintendents of schools to prepare for emergencies by developing a pool of qualified emergency substitute teachers. This preparation shall include public notice of the test requirements and of the dates and locations of administrations of the tests. The governing board of a school district shall make special efforts to encourage individuals who are known to be qualified in other respects as substitutes to take the state basic skills proficiency test at its earliest administration.

(3) Demonstration of proficiency in reading, writing, and mathematics by a person pursuant to Section 44252 satisfies the requirements of this subdivision.

(c) A certificated person is not required to take the state basic skills proficiency examination if he or she has taken and passed it at least once, achieved a passing score on any of the tests specified in subdivision (b) of Section 44252, or possessed a credential before the enactment of the statute that made the test a requirement.

(d) This section does not require a person employed solely for purposes of teaching adults in an apprenticeship program, approved by the Apprenticeship Standards Division of the Department of Industrial Relations, to pass the state proficiency assessment instrument as a condition of employment.

(e) This section does not require the holder of a child care permit or a permit authorizing service in a development center for the handicapped to take the state basic skills proficiency test, so long as the holder of the permit is not required to have a baccalaureate degree.

(f) This section does not require the holder of a credential issued by the commission who seeks an additional credential or authorization to teach, to take the state basic skills proficiency test.

(g) This section does not require the holder of a credential to provide service in the health profession to take the state basic skills proficiency test if that person does not teach in the public schools.

(h) This section does not require the holder of a designated subjects special subjects credential to pass the state basic skills proficiency test as a condition of employment unless the

requirements for the specific credential require the possession of a baccalaureate degree. The governing board of each school district, or each governing board of a consortium of school districts, or each governing board involved in a joint powers agreement, which employs the holder of a designated subjects special subjects credential shall establish its own basic skills proficiency for these credentials and shall arrange for those individuals to be assessed. The basic skills proficiency criteria established by the governing board shall be at least equivalent to the test required by the district, or in the case of a consortium or a joint powers agreement, by any of the participating districts, for graduation from high school. The governing board or boards may charge a fee to individuals being tested to cover the costs of the test, including the costs of developing, administering, and grading the test.

(i) This section does not require the holder of a preliminary or clear designated subjects career technical education teaching credential to pass the state basic skills proficiency test.

(j) This section does not require certificated personnel employed under a foreign exchange program to take the state basic skills proficiency test. The maximum period of exemption under this subdivision shall be one year.

(k) Notwithstanding any other law, a school district or county office of education may hire certificated personnel who have not taken the state basic skills proficiency test if that person has not yet been afforded the opportunity to take the test. The person shall take the test at the earliest opportunity and may remain employed by the school district pending the receipt of his or her test results.

SEC. 9. Section 44831 of the Education Code is amended to read:

44831. The governing board of a school district shall employ persons in public school service requiring certification qualifications as provided in this code, except that the governing board or a county office of education may contract with or employ an individual who holds a license issued by the Speech-Language Pathology and Audiology Board and has earned a masters degree in communication disorders to provide speech and language services if that individual meets the requirements of Section 44332.6 before employment or execution of the contract.

Approved _____, 2008

Governor